
Transportation Committee

SSB 5732

Brief Description: Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove).

Brief Summary of Substitute Bill

- Requires relicensing diversion programs in counties with a population of 30,000 or more, or cities with a population of 20,000 or more for persons who commit driving with license suspended in the third degree (DWLS 3) by driving with a license that has been suspended or revoked for failing to respond to a notice of traffic infraction, failing to appear at a requested hearing, or failing to comply with the terms of a notice of traffic infraction or citation, while placing various limitations on participation.
- Allows for relicensing diversion programs in counties with a population of 30,000 or less, or cities with a population of 20,000 or less for persons who commit DWLS 3 in the circumstances listed above, while placing various limitations on participation.
- Requires a court or prosecuting attorney in a jurisdiction that does not have a relicensing diversion program to provide an individual with a certified abstract and a list of unpaid traffic fines if that person commits DWLS 3 in the circumstances listed above.
- Requires the reporting of data regarding relicensing diversion programs to the Administrative Office of the Courts, which must develop a best practice model.

Hearing Date: 3/18/09

Staff: David Munnecke (786-7315)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

It is unlawful for any person to drive a motor vehicle in this state while that person's privilege to drive is suspended or revoked. A person commits driving with license suspended in the third degree (DWLS 3) by driving a motor vehicle when the person's driver's license is suspended or revoked because the person has: (1) failed to respond to a notice of traffic infraction; (2) failed to appear at a requested hearing; (3) violated a written promise to appear in court; or (4) failed to comply with the terms of a notice of traffic infraction or citation, in addition to a variety of other behaviors. Driving with license suspended in the third degree is a misdemeanor, with approximately 102,000 cases of DWLS 3 filed annually and approximately 45,000 annual convictions for the offense.

A relicensing diversion program assists drivers with suspended or revoked licenses to regain their license and insurance and to pay their outstanding fines. Most of the courts of limited jurisdiction in Washington do not offer the option of a relicensing diversion program to people who are charged with DWLS 3, and handle the cases through the traditional adjudicatory process.

The Department of Licensing maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records or abstracts contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in this state; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer or prospective employer;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS); and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or agent, prospective employer or agent, or a city or county prosecuting attorney. A partial abstract may be released to specified insurance companies and alcohol/drug assessment or treatment agencies approved by the DSHS.

Summary of Bill:

A relicensing diversion program must be designed to assist drivers with suspended or revoked licenses to regain their license and insurance and to pay their outstanding fines. When a person commits driving with license suspended in the third degree (DWLS 3) by driving with a license that has been suspended or revoked due to: (1) failure to respond to a notice of traffic infraction;

(2) failure to appear at a requested hearing; (3) violation of a written promise to appear in court; or (4) failure to comply with the terms of a notice of traffic infraction or citation in a jurisdiction that does not have a relicensing diversion program, a court or prosecuting attorney must provide the individual with a certified abstract of that person's driving record, in addition to a list of that person's unpaid traffic offense-related fines and contact information for each jurisdiction or collection agency to which the money is owed. A fee of up to \$20 may be imposed by the court for the provision of the driving abstract.

The superior courts or courts of limited jurisdiction in counties with a population of less than 30,000 or cities with a population of less than 20,000 are authorized to participate or provide relicensing diversion programs to persons who commit DWLS 3 by driving with a license that has been suspended or revoked due to: (1) failure to respond to a notice of traffic infraction; (2) failure to appear at a requested hearing; (3) violation of a written promise to appear in court; or (4) failure to comply with the terms of a notice of traffic infraction or citation. Eligibility is limited to violators with not more than four warrants for failure to appear in the last 10 years, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court, or no more than four violations in the last 10 years of DWLS 3 when the license has been suspended or revoked for: (1) failure to respond to a notice of traffic infraction; (2) failure to appear at a requested hearing; (3) violation of a written promise to appear in court; or (4) failure to comply with the terms of a notice of traffic infraction or citation. People subject to arrest under a warrant are not eligible for the diversion program. The diversion option may be offered at the discretion of the prosecuting attorney before charges are filed or by the court after charges are filed. Participants for whom charges are filed may be charged a fee of up to \$100 to support administration of the program.

Counties with a population of 30,000 or more, or cities with a population of 20,000 or more, must participate or provide a relicensing diversion program to people who commit DWLS 3 by driving with a license that has been suspended or revoked due to: (1) failure to respond to a notice of traffic infraction; (2) failure to appear at a requested hearing; (3) violation of a written promise to appear in court; or (4) failure to comply with the terms of a notice of traffic infraction or citation. The same eligibility requirements and possible fee apply as in those counties or cities with optional relicensing diversion programs.

Counties and cities with relicensing diversion programs must annually provide the Administrative Office of the Courts (AOC) with information regarding eligibility criteria used for their programs, the number of participants, how many regain their drivers' licenses and insurance, and the total amount of fines collected. The costs of the programs and other information as determined by the office will also be provided. The information is to be analyzed by AOC and it will recommend a best practices model for relicensing diversion programs.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.